

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMIE BAUGH,

Plaintiff,

Case No. 24-cv-11177
Hon. Matthew F. Leitman

v.

CITY OF DETROIT, *et al.*,

Defendants.

/

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On May 2, 2024, Plaintiff Jimmie Baugh filed this civil-rights action against Defendants JoAnne Miller, the City of Detroit, and the Wayne County Prosecutor's Office. (*See* Compl., ECF No. 1.) The City has now filed a motion to dismiss Baugh's claims against it pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot., ECF No. 5.) One of the bases for the motion is that Baugh has failed to plead sufficient facts in support of some of his claims under the Supreme Court's decisions in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).¹ (*See, e.g., id.*, PageID.44-48.)

¹ The City has also raised other defenses to Baugh's claims. (*See* Mot., ECF No. 5, PageID.40-44.)

Without expressing any view regarding the merits of the City's argument that Baugh's factual allegations are insufficient, the Court will grant Baugh the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in his allegations. The Court does not anticipate allowing Baugh another opportunity to amend to add factual allegations that he could now include in his First Amended Complaint. Simply put, this is Baugh's opportunity to amend his allegations to cure the alleged deficiencies in his claims.

By July 16, 2024, Baugh shall file a notice on the docket in this action notifying the Court and Defendants whether he will amend his Complaint. If Baugh provides notice that he will be filing a First Amended Complaint, he shall file that amended pleading by no later than July 30, 2024. If Baugh provides notice that he will not be filing a First Amended Complaint, he shall respond to the City's motion to dismiss by no later than July 30, 2024.

Finally, if Baugh provides notice that he will be filing a First Amended Complaint, the Court will terminate without prejudice the City's currently-pending motion to dismiss as moot. The City may file a renewed motion directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 2, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 2, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126